



DLM REF.: 7G-1579

WAIVER OF SERVICE OF SUMMONS

TO: David L. Mazaroli, Attorney for Plaintiff

I acknowledge receipt of your request that I waive service of a summons in the action of **INDEMNITY INSURANCE COMPANY OF NORTH AMERICA v. THE MASON AND DIXON INTERMODAL (MDII), et al.** which is case number 07 CIV. 10353 (GEL) in the United States District Court for the Southern District of New York. I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without costs to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an answer or motion under Rule 12 is not served upon you within 60 days after **November 16, 2007**, or within 90 days after that date if the request was sent outside the United States.

The Mason and Dixon Intermodal (MDII)
12755 E. 9 Mile Road
Warren, MI 4808

November 27, 2007
Date

Signed: Willard F. Lindsey
Name: WILLARD F. LINDSEY

Title: CORPORATE COUNSEL

Company: MASON AND DIXON INTERMODAL, INC.